

**Town of Sunset Beach
Monthly Council Work Session
September 24, 2013
9:00 am**

MINUTES

Members Present: Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Wilson Sherrill, Councilwoman Karen Joseph, Councilman Mike Williams, and Councilwoman Carol Scott.

Members absent: None

Attorney & Staff Present: Gary Parker, Town Administrator; Donna Rogers, Finance Director; Sandy Wood, Building Inspections Department Director; Dustin Graham, Public Works Director; Lisa Massey, Police Chief; Kevin Dempsey, Fire Chief; Michael Norton, Compass Pointe Engineering and Lisa Anglin, Town Clerk.

Mayor Cerrato called the Work Session to order. Mayor Cerrato stated “Does any member of the Council have a conflict of interest or the appearance of a conflict of interest with regard to any item on the agenda, and if so, please state so at this time?” No one spoke. Mayor Cerrato commented on the agenda items and requested the Beach Topics, graph presentation of the financial condition and consideration of Brunswick County taking over the Jaguars Lair project be added to the October 7, 2013 agenda.

Public Comments

John Corbett 423 Sailfish Street – Encouraged Council to appropriate the additional funding for the Jinks Creek Dredging Project and award the bid

Consideration of Authorization of the NCDOT Roundabout Agreement and Funding Appropriation of \$250,000 for Project

Gary Parker informed the Council that the NCDOT Roundabout Agreement has been reviewed and approved by Attorney Isenberg. Gary Parker requested Council to authorize him to execute the Agreement and release the funds to NCDOT. The Council questioned why the funds are to be released in advance, requested Gary Parker to determine if the funds could be distributed in a different manner and if not to process the payment as NCDOT requested.

MAYOR PRO-TEM DEVITA MADE A MOTION TO AUTHORIZED GARY PARKER TO SIGN THE NCDOT ROUNDABOUT AGREEMENT AND TO RELEASE THE \$250,000 TO NCDOT. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Streetscape Hardscape Bid and Award of Contract

Donna Rogers advised that one bid was received for the Streetscape Project during the first bid cycle, therefore, in compliance with NC General Statutes Bidding requirements the Streetscape Project was re-advertised soliciting bids. The second bidding process resulted in one (1) bid for the hardscape project being received and two (2) bids for the landscape project being received. Barnhill Contracting Company bid \$312,500 on the hardscape project. Donna Rogers advised that of the two (2) bids received for the landscape project only one (1) had proper documentation. Carolina Creations bid \$100,206.63 on the landscape project. The Council discussed the landscape planting plan included in the RFP and the Clerk was requested to review prior minutes to determine if the Council agreed to amend the planting plan.

COUNCILMAN WILLIAMS MADE A MOTION TO ACCEPT THE STREETSCAPE HARDCAPE BID OF \$312,500 RECEIVED FROM BARNHILL CONTRACTING COMPANY AND TO AWARD THE CONTRACT. COUNCILWOMAN JOSPEH SECONDED THE MOTION. MAYOR CERRATO REFUSED TO CALL FOR A VOTE.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPEAL THE MAYOR DECISION NOT TO CALL FOR A VOTE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR PRO-TEM DEVITA CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA CALLED FOR A VOTE ON THE STREETSCAPE HARDCAPE MOTION AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Streetscape Landscape Bid and Award of Contract

COUNCILMAN WILLIAM MADE A MOTION TO ACCEPT THE STREETSCAPE LANDSCAPE BID OF \$100,206.63 RECEIVED FROM CAROLINA CREATIONS. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO REFUSED TO CALL FOR A VOTE.

COUNCILMAN WILLIAMS MADE A MOTION TO APPEAL THE MAYOR DECISION NOT TO CALL FOR A VOTE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR PRO-TEM DEVITA CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA CALLED FOR A VOTE ON THE STREETSCAPE LANDSCAPE MOTION. COUNCILMAN SHERRILL, COUNCILWOMAN SCOTT, COUNCILMAN WILLIAMS AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILWOMAN JOSEPH VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Consideration of Appropriating Additional Funding of \$2,500 for Jinks Creek Dredging Project, Acceptance of Jinks Creek Dredging Project Bid and Award of Contract

Sandy Wood advised that one (1) bid was received from Brunswick Dredge & Dock LLC for the Jinks Creek Dredging Project. The bid did come in at \$17,500 which is \$2,500.00 over the \$15,000 that Council allocated during the January 7, 2013 Meeting. Sandy Wood advised that this company has performed dredging around Brunswick County for years including Mary's Creek, and Turtle Creek.

Consideration of Appropriating Additional Funding of \$2,500 for Jinks Creek Dredging Project, Acceptance of Jinks Creek Dredging Project Bid and Award of Contract (Cont.)

COUNCILMAN WILLIAMS MADE A MOTION TO APPROPRIATE THE ADDITIONAL FUNDING OF \$2,500 FOR THE JINKS CREEK DREDGING PROJECT AND TO AWARD THE BID TO BRUNSWICK DREDGE & DOCK LLC. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO REFUSED TO CALL FOR A VOTE.

COUNCILMAN WILLIAMS MADE A MOTION TO APPEAL THE MAYOR DECISION NOT TO CALL FOR A VOTE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR PRO-TEM DEVITA CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA CALLED FOR A VOTE ON THE JINKS CREEK DREDGING PROJECT MOTION AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Beach Topics Discussion

The Council requested Staff to research a House Bill recently passed that gives municipalities more authority to regulate and enforce ordinances on the beach strand. Attorney Isenberg is researching and developing a Resolution to be forwarded to the Brunswick County Municipalities and the Legislature requesting them to enact a Good Samaritan liability cap or limited liability for municipalities.

Aquatic Dangers

The Council discussed issues concerning the fishing pier and the surrounding waters including pier fishing, surf fishing, surfer and swimmer zones and related ordinances. Staff will research for additional information to be considered.

Rip current, Life Guard Safety Zones and Rip Tide Warning System

The Council reached a consensus to table this discussion until more information is received from the Legislature.

Shading Devices & Athletic equipment

The Staff informed the Council of issues related to Shading Devices and Athletic Equipment from the past season. The Council discussed enacting ordinances to regulate shading devices and athletic equipment including their placement on the strand, tie down strings, the number allowed, commercial and personal shading devices, and attaching them to each other, abandonment of items, wind speed regulation for removal of shading devices from the strand, and size limitation for athletic equipment. The Staff was requested to review the current ordinance and suggest amendments to the Council.

Animals on the Beach

The Council was made aware that exotic animals were brought on the beach strand this year. The Council requested the Staff to research and to propose amendments for the animal ordinances.

Beach Topics Discussion (Cont.)

Population Distribution

Council discussed methods to reduce the population at the gazebo area and disburse beach goers further down the strand. This topic will be readdressed during the parking discussion in November.

Protection of Dunes & Vegetation; Beach Re-nourishment & Erosion

The Council discussed the recent Terminal Groins legislation and the need for the Town to establish a base line study that will need to be reestablished each year. Staff advised that CAMA has aerial photos of the area that are updated periodically. FEMA also surveys the area often. Staff will research and report back to the Council.

Communication & Education

The Council discussed methods of communicating ordinance changes to residents and visitors, such as mailings, sign placement and accessing the community bulletin board channel on television. Staff is preparing an amendment for Council to consider that will establish a section in the Ordinance Book for all beach strand regulations.

Land Acquisition on the island

This topic will be addressed during the parking discussion in November.

Holes on the Beach

The Staff informed the Council of the continuing issues with holes on the beach and discussed ways to ensure that holes are filled in before dark. Staff requested Council to prohibit metal shovels and establish a size limit for other shovels used on the strand. Staff will research and propose ordinance amendments.

Sidewalks, Bike Lanes & Crosswalks

Sandy Wood advised that bike lanes are included in the Streetscape project. The Council discussed the need for sidewalks and crosswalks on Main Street. Staff was requested to contact NCDOT concerning painting crosswalks at the beach accesses.

Storm Water Management

Staff advised the Council that the Storm water drains contain sand buildup that needs to be removed. Staff was requested to evaluate the drains, prepare a maintenance schedule and determine the cost to have the drains vacuumed.

Withers & Ravenel - Park Development Plan

Jennifer Wagner and Jeff Thompson, Withers & Ravenel Representatives, presented the Park Development Stage One to the Council advising that Stage One includes the construction of the parking area and walking trails only. Stage Two will include the installation/construction of the restroom facilities and other site amenities installation. Pervious material for both the parking area (examples provided) and the trails is required for the exemption status of the state stormwater. The CAMA Minor Permit application has been submitted and approval is expected in the near future. The Council discussed relocating the existing pier and extending the existing bulkhead. The plan includes a boardwalk to the new pier area and electric/water conduit will be

Withers & Ravenel - Park Development Plan (Cont.)

installed to the pier area. Council was advised that \$26,000 was included in the cost proposal to renovate the existing pier but that is not sufficient funding to relocate the pier. Council was advised that extending the existing bulkhead was not included in the plan. The Council discussed extending the bulkhead for erosion control and safety reasons. Council requested Staff to determine the cost of relocating the pier and extending the bulkhead. The Council discussed the trees identified for removal from the park site. The Council was advised that the tree removal cost was not included in the park development plan but Withers & Ravenel Representatives recommended the trees be removed now. Staff advised the Council that four quotes were received for the removal of the 15 trees. Staff advised that the removal of the trees and the pruning of the remaining trees will not exceed \$14,000.

COUNCILWOMAN JOSEPH MADE A MOTION TO MOVE FORWARD WITH THE RECOMMENDATIONS OF THE ARBORISTS (FOR TREE REMOVAL). COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO REFUSED TO CALL FOR A VOTE.

COUNCILMAN WILLIAMS MADE A MOTION TO APPEAL THE MAYOR DECISION NOT TO CALL FOR A VOTE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR PRO-TEM DEVITA CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA CALLED FOR A VOTE ON THE ARBORISTS RECOMMENDATIONS (TREE REMOVAL) MOTION. COUNCILMAN SHERRILL, COUNCILWOMAN JOSEPH, COUNCILMAN WILLIAMS AND MAYOR PRO-TEM DEVITA VOTED YES. COUNCILWOMAN SCOTT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

The Council reached a consensus on the parking area pavers and the boardwalk decking material to be used.

COUNCILWOMAN JOSEPH MADE A MOTION TO APPROVE THE PARKING AREA PAVERS AND THE BOARDWALK DECKING MATERIAL TO BE INCLUDED IN THE RFP FOR THE PARK DEVELOPMENT STAGE ONE PROJECT. COUNCILMAN WILLIAMS SECONDED THE MOTION.

After further discussion, the Council requested the Withers & Ravenel Representatives to attend the October 7, 2013 Council Meeting to present this material again for the citizens. The representatives agreed and the motion was withdrawn.

COUNCILWOMAN JOSEPH MADE A MOTION TO RECESS FOR LUNCH. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council reconvened the meeting at 2:30 pm.

Closed Session

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION TO REVIEW THE RESUMES AND CONSIDER THE QUALIFICATIONS AND FITNESS OF THE APPLICANTS FOR THE TOWN ADMINISTRATOR POSITION PURSUANT TO NCGS 143-318.11 (a) (6). COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately one (1) hours with no action taken.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RETURN TO OPEN SESSION. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN SHERRILL MADE A MOTION TO RECONVENE THE WORK SESSION. COUNCILMAN WILLIAMS SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council reached a consensus to schedule a Special Meeting for Tuesday, October 1, 2013 at 8:30 am for the purpose of going into Closed Session to review the resumes and consider the qualifications and fitness of the applicants for the Town Administrator position.

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE SEPTEMBER 24, 2013 WORK SESSION. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

TOWN OF SUNSET BEACH

Richard Cerrato, Mayor

Submitted by:

Lisa Anglin, Town Clerk